

EXHIBIT

S

05/08/17
12:46:02

RECEPTION/CLASSIFICATION SYSTEM

LEGAL DATE COMPUTATION

BY: CCNSPAM

COMP DATE/TIME: 05/05/2017 02:04P

TYPE B01 BASIC INDETERMINATE

DIN: 17B0759 NAME: AGEE, JKENDRIC
DATE RECEIVED: 03/16/2017
CURRENT LOCATION: ATTICA GEN - 0A-05-30S

NYSID: 02697786L

HEARING DATE	2019 01	TIME ALLOWANCE COMM DATE	2020 07
HEARING TYPE	MERT	TIME ALLOWANCE COMM TYPE	INIT
TENTATIVE RELEASE DATE		POST-RELEASE SUPERVISION	
GRADUATION DATE		PRS MAXIMUM EXPIRATION DT	
IND MINIMUM TERM	0003 00 00	IND MAXIMUM TERM	0006 00 00
DATE RECEIVED	+2017 03 16	DATE RECEIVED	+2017 03 16
JAIL TIME	-0000 04 11	JAIL TIME	-0000 04 11
	----		----
PAROLE ELIGIBILITY DATE	=2019 11 04	MAXIMUM EXPIRATION DATE	=2022 11 04
MERIT TIME POSSIBLE	-0000 06 03	GOOD TIME POSSIBLE	-0002 00 00
	----		----
MERIT ELIGIBILITY DATE	=2019 05 01	CONDITIONAL RELEASE DATE	=2020 11 04

COMMENTS:

5/5/17 JT CORRECTED 131 (11/5/16 - 3/15/17)

JAIL TIME(S) IN DAYS:

JAIL TIME = 131

DIST: IRC (1), GUID & COUNS UNIT (1), INST PAROLE (1), INMATE (1)

1775 015 1
CCSE
CFP
G
I

CAYUGA COUNTY SHERIFF'S OFFICE

Jail Time



Cayuga County Public Safety Building
 7445 County House Road
 Auburn, New York 13021-8297
 Phone: 315-253-2911
 Fax: 315-253-6731

David Gould
 Sheriff

James Stowell
 Undersheriff

This is to certify that Agee, J'Kendrick J. with a D.O.B of 8/10/1991
 was in custody from:

From	To	Total
11/5/2016	3/15/2017	131

Originating out of Cayuga County court for the charge(s) of:

- | | | | |
|----|----------------------------------|------------|-----------------|
| 1) | <u>Poss Dangerous Contraband</u> | Ind./doc.# | <u>2016-050</u> |
| 2) | | Ind./doc.# | |
| 3) | | Ind./doc.# | |
| 4) | | Ind./doc.# | |

and sentenced under the following indictment/docket(s):

Therefore in accordance with section 70.30 of the New York State Penal Law, the above named is entitled to:

131 Days

Jail time certified by : Buisch Badge#: 7032 Date: 5/5/2017

04/05/17
14:44:58

RECEPTION/CLASSIFICATION SYSTEM

LEGAL DATE COMPUTATION

BY: C110MLE

COMP DATE/TIME: 03/20/2017 08:48A

TYPE B01 BASIC INDETERMINATE

DIN: 17B0759 NAME: AGEE, JKENDRICK J
DATE RECEIVED: 03/16/2017
CURRENT LOCATION: ATTICA GEN - 0A-08-42S

NYSID: 02697786L

HEARING DATE	2018 05	TIME ALLOWANCE COMM DATE	2019 11
HEARING TYPE	MERT	TIME ALLOWANCE COMM TYPE	INIT
TENTATIVE RELEASE DATE		POST-RELEASE SUPERVISION	
GRADUATION DATE		PRS MAXIMUM EXPIRATION DT	
IND MINIMUM TERM	0003 00 00	IND MAXIMUM TERM	0006 00 00
DATE RECEIVED	+2017 03 16	DATE RECEIVED	+2017 03 16
JAIL TIME	-0001 00 07	JAIL TIME	-0001 00 07
	----		----
PAROLE ELIGIBILITY DATE	=2019 03 08	MAXIMUM EXPIRATION DATE	=2022 03 08
MERIT TIME POSSIBLE	-0000 06 03	GOOD TIME POSSIBLE	-0002 00 00
	----		----
MERIT ELIGIBILITY DATE	=2018 09 05	CONDITIONAL RELEASE DATE	=2020 03 08

COMMENTS:

JAIL TIME(S) IN DAYS:
JAIL TIME = 372

DIST: IRC (1), GUID & COUNS UNIT (1), INST PAROLE (1), INMATE (1)

EXHIBIT

T

J'kendrick J. Agee 1780759
Clinton Correctional Facility
P.O. Box 2000
Dannemora, New York 12929

April 17th, 2018

Mrs. Sherri Guzylak, Inmate Record Coordinator II
Auburn Correctional Facility
135 State Street
Auburn, New York 13021

Re: People v. J'kendrick Agee

Cayuga County Indictment No. 2016-050 (Sealed)

Dear Mrs. Guzylak,

As you know, you were a witness at my trial in the above stated matter. I am preparing a CPL § 440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavits (CPL § 440.30 [4] [d] [i]). Toward that end I would appreciate an affidavit from you answering the following questions:

1. Who authorized you to turn over expuned evidence to the Cayuga County district Attorney's office?

2. When did Mr. Brian Lerds obtain certain evidence including the alleged misbehavior report, the contraband in question, the fake request for Urinalysis, and any other miscellaneous expuned evidence in relation to this matter.

3. Did The Facility CPH [at the time of March 8th, 2016] ever inform you ~~that~~^{or} any other member of the Inmate Records Coordinator's Office that this matter was adequately submitted [to the District Attorney's Office and appropriate police agency] and later, accepted for criminal prosecution by the D.A.'s office?

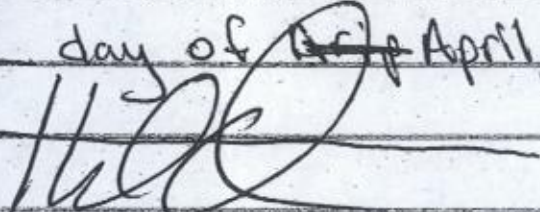
4. Are you aware of any Information/Evidence Packet Form No. ~~0906910A~~ ever being completed?

Thank you in advance for your kind cooperation.

Respectfully Submitted,

Glendia J. Agee
Defendant,

Subscribed and sworn before me this
19 day of ~~Apr~~ April, 2018


Harry D. Durgan
Notary Public, State of New York
No. 01DU6008379
Qualified in Clinton County
Commission Expires

582018

EXHIBIT

U

J'Kendrick J. Agee 17B0759
Clinton Correctional Facility
P.O. Box 2001
Dannemora, NY 12929

May 3rd, 2018

G. Robinson, Deputy Superintendent of Security
Auburn Correctional Facility
135 State Street
Auburn, NY

Reason: The People v. J'Kendrick Agee
Cayuga County Indict. No. 2016-050 (Sealed)

Dear Sir or Madam,

As you may or may not be aware of the above stated matter were I was an inmate at Auburn where an L.O. by name of Mr. Keith E. Vincent II ~~alleged~~ alleged that he removed an razor type weapon from my persons on the 28th day of February, 2016, ten days prior to my release [I was convicted after an jury trial]. I am preparing a CPL § 440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavits (CPL § 440.30 [4] [d] [i]). Towards that end I would appreciate an affidavit from you

answering the following questions:

1. Can you describe the policy used during the deposit or removal of evidence/contraband from the secure evidence locker, secure evidence drop box, or the evidence control area.

2. What are the Pat Frisk procedures for an inmate attempting to proceed to keeplock recreation?

3. Were you made aware of this situation in any way prior to the 8th day of March, 2016?

4. To your knowledge was any DOCS employee ever in contact with any police agency in regards to this matter?

5. What is the two person access system utilized when accessing the "serious/dangerous" contraband room/locker in all areas where contraband/evidence is stored, at Auburn Correctional Facility?

6. Did you authorize the disposition of contraband/evidence in the above stated matter?

7. What is the adequate method used ~~return~~ disposition of contraband ordered expunged from an inmate's institutional

and departmental files?

8. Did you authorize ADA Mr. Brian T. Leeds, Esq., to come into Auburn Correctional Facility and remove contraband from "secure" evidence locker?

9. Was an Contraband/Evidence Photograph Card utilized in this matter?

Respectfully Submitted,
Kendall J. Ayee
Defendant, Pro Se.

Sworn to before me
3rd day of May, 2018
Mark J. Wilson

Mark J. Wilson
Notary Public, State of New York
No. 01W16354425
Qualified in Clinton County
Commission Expires 02/06/2021

EXHIBIT

V

J'kendric J. Agree 1780759
Clinton Correctional Facility
P.O. Box 2000

Dannemora, NY 12929

April 22th, 2018

Evidence Control Supervisor
Auburn Correctional Facility
135 State Street

Auburn, New York 13021

Reason: ~~People v. J'kendrick Agree~~ ^{The People v.} J'kendrick Agree

Cayuga County Indictment No. 2016-050 (Sealed)

Dear Sir or Madam,

You may or may not be aware of the fact that I was convicted of Promoting Prison Contraband in the first degree by a jury of my peers, in connection with an incident that occurred on the 28th day of February, 2016, at approx. 9:20am when I was an inmate at Auburn Correctional Facility locking on O Block 7-27. I am preparing a CPL §440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavit (CPL §440.30 [4] [d] [i]). Toward that end I would appreciate an affidavit from you answering the following questions:

1. On the 28th day of February, 2016, and the 22th day of March, 2016 did you or whoever held your position prior to you, have direct oversight of the

general contraband locker and evidence control area?

2. If so, did you ever notice Mr. Keith E. Vincent II [C.O.] drop anything in the drop box at any time on the 28th day of February, 2016, and can you produce any paperwork stating so or are you willing to state in ~~the~~ front of a Court, under oath if Mr. Vincent Actually Dropped anything in such box?

3. Where you or any appropriate Security Supervisor present when C.O. Mr. Keith E. Vincent II dropped alleged contraband on the 28th day of February, 2016, into secure evidence drop box or the evidence control area?

4. Where you or any appropriate Security Supervisor present when Cayuga County ADA Mr. Brian T. Leeds, Esq., removed alleged contraband from secure evidence locker or the evidence control area on the 22th day of March, 2016?

5. Did you ensure all procedures as outlined within DOCCS Directive No. 4910A, Contraband/Evidence - Handling, Storage, and Disposition, related to evidence collection, classification, reporting, storage, and disposition were followed regarding the alleged contraband deposit made by C.O. Mr. Keith Vincent on the 28th day of February, 2016?

6. At any point where you ever in contact with local or State police regarding the disposition of the alleged contraband that C.O. Mr. Keith E. Vincent

alleges that he found on my persons?

7. Did you ensure that proper procedures were being followed regarding items no longer appropriate to be retained where purged on the 9th and 22th day of March, 2016, and the disposition of ~~the~~ contraband that C.O. Mr. Vincent alleged that I possessed on my ^{persons} ~~person~~ was thoroughly documented in accordance with Directive No. 4910A, for logging, storage, and disposition?

8. Did you write a Memorandum detailing this inspection and note any discrepancies and forward them to the Deputy Superintendent for Security or equivalent for review?

9. Which locker was such evidence placed in "general contraband locker" or "evidence storage area"?

10. Utilizing the two person access ~~at~~ system for entry documented in a control logbook for deposit/removal of evidence. Evidence log stamp must be utilized to ensure the accuracy of information entered into log. The storage and disposition of all evidence shall be a two person system. Who are the two people who utilized restricted key rings which is assigned to and utilized by you or appropriate authorized designee as defined in Directive No. 4910A and whose issuance will be in accordance with Directive No. 4092, "Key Control"?

11. The presence of the Evidence Control Supervisor or other appropriate Security Supervisor as designed by

the Deputy Superintendent for Security or equivalent is absolute during the deposit or removal of evidence from all storage locker(s) or area(s) as defined above and throughout ~~this~~ directive No. 4910A. Where you present when ADA Mr. Brian Leeds, Esq., removed such evidence from storage locker(s) or area(s)? Or ~~was~~^{was} some other security supervisor present?

12. Was such process [the storage and disposition] witnessed by a Department employee or other law enforcement representative?

13. If so, who [Notice: ADA Mr. Brian Leeds is not a law enforcement representative - he is a Prosecutor]?

14. Did C.O. Mr Keith Vincent, the first officer to possess the alleged contraband, transport and record the contraband to you, or designee, as soon as possible?

15. Is there a bound book containing logs and pre-numbered pages maintained at Auburn Correctional Facility?

16. Was such contraband ever assigned a facility evidence control number and was such number recorded by the Facility Watch Commander in a log maintained within the Watch Commander's office?

17. You must inspect, at least quarterly, all contraband/Evidence storage lockers/areas to check inventories and ensure that proper procedures are being

Followed, items no longer necessary or appropriate to be retained are purged, and the disposition of all contraband is thoroughly documented in accordance with this policy [Directive No. 4910A] for logging, storage, and disposition correct?

18. Every facility shall establish a point of contact with the New York State Police or local law enforcement agency, whereby an agreement is in place for the surrender/disposal of contraband. Such surrender must be noted in evidence control area logbook and on any pertinent chain-of-custody evidence. A receipt must be obtained and retained by you. Do you have such receipt?

19. Why wasn't the Department's Office of Special Investigations contacted when this facility was not able to contact the State Police or local law enforcement before the defendant was released any the above stated matter was ordered expunged?

20. How was ADA Mr. Brian T. Leeds, Esq. able to obtain expunged evidence 13 days after it was ordered expunged and who ordered that such contraband be turned over to him?

Thank you in advance for your help.

Sworn to before me

19th day of June

2018

Harry D. Durgan
Notary Public, State of New York
No. 01DU6008379
Qualified in Clinton County
Commission Expires

Respectfully,

Frederick Agre
Defendant

EXHIBIT

W

J'hendric J. Agee Din No. 1780759
Clinton Correctional Facility
P.O. Box 2000

Danremora, New York 12929

April 17th, 2018

Criminal Prosecution Liaison

Auburn Correctional Facility

~~P.O. Box 2000~~ 135 State Street

Auburn, New York 13021

Reason: ~~The~~ People v. J'hendrick Agee

Cayuga County Indictment No. 2016-050 (Sealed)

Dear Sir or Madam,

If you are aware, I was convicted of Promoting Dangerous Prison Contraband in the first degree after a jury of my peers convicted me of the 17th day of November, 2016. I am preparing a CPL §440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavit (CPL §440.30 [4] [d] [i]). Toward that end I would appreciate an affidavit from you answering the following questions:

1. Did you [or who held your position on the 8th day of March, 2016] ever prepare an Information/Evidence Packet in accordance with DOCS directive No. 6910, in relation to Unusual Incident Report No. 160060?

2. If not, do you possess the knowledge to explain why such Form was not completed and, still I was prosecuted?

3. Did you authorize [or is it any proof that who held your position on the 22 day of March, 2016] Cayuga County ADA Mr. Brian T. Leeds, Esq., to enter

Auburn Correctional Facility and obtain expunged evidence in relation to U.I. No. 160060 [including the fake misbehavior report, the alleged contraband in question, a fake Urinalysis (Request) and other miscellaneous expunged evidence in relation to this matter]?

4. If so, did you know that such action is not within accordance with DOCCS rules and regulations?

5. Did you ever oversee any aspect of this matter [The prosecution of Mr. Kendrick Agoo]?

6. If so, did you recognize any unusual circumstances?

7. Did you [or whoever held your position prior to you] submit a copy of an incomplete Information/Evidence Packet to the Cayuga County District Attorney Office and the appropriate police agency?

8. If so, why did the District Attorney's Office of Cayuga County representative Mr. Brian Leeds, Esq. supply New York State Police Investigator Mr. Brett E. Stover with information kept in his file so Mr. Stover would have enough information to file a Felony complaint and why would Mr. Stover state under oath that he never had any contact with anyone besides Mr. Brian T. Leeds, Esq. in regards to this matter?

9. Did you [or anyone who held your position prior to you] utilize Form No. 6910 C "Quarterly Report of Pending Inmate Criminal Prosecution Cases" and report the status of each pending case to OSI From March 9th 2016 to March 9th, 2017?

10. If so, did my case ever appear in any such "Quarterly Reports"?

11. Does the above named Defendant have a 6 digit CC# (not the Facility U.I. No.)?

Thank you for your kind cooperation in advance.

Respectfully Submitted,

Glenn J. Agre

Sworn to before me this
19 day of April, 2018

Harry D. Durgan
Notary Public, State of New York
No. 01DU6008379
Qualified in Clinton County
Commission Expires 2021